



**THE STATE BAR OF CALIFORNIA
ENVIRONMENTAL LAW SECTION**

Qualifies for
12.5 Hours MCLE Credit
++2 Bonus Hours of Self-Study Credit

2008 Environmental Law Conference at Yosemite®

Sponsored by the Environmental Law Section of the State Bar of California

OCTOBER 16-19, 2008

**Tenaya Lodge at Yosemite
Fish Camp, California
"The Gateway to Yosemite"**

September 8
October 8

Hotel Reservation Deadline
Conference Registration Deadline

ENVIRONMENTAL LAW CONFERENCE AT YOSEMITE WWW.CALBAR.ORG/ENVIRO



THE STATE BAR OF CALIFORNIA ENVIRONMENTAL LAW SECTION

2008 Environmental Law Conference at Yosemite®

The Environmental Law Conference at Yosemite® is nationally recognized as the largest and most prestigious gathering of

leaders in environmental, land use and natural resources law in California. We hope you will join us and some of the nation's top environmental officials, lawyers, and other professionals in the spectacular setting of Yosemite.

Conference Planning Committee Chairs

Stuart I. Block, Cox, Castle & Nicholson LLP, San Francisco

Richard T. Drury, Lozeau Drury LLP, Alameda

Dana P. Palmer, Manatt, Phelps & Phillips LLP, Los Angeles

2008 Conference Green Initiatives

"As an organization of environmental professionals, the Environmental Law Section of the State Bar will strive to conserve natural resources and to support their sustainable use."

This year we furthered our efforts to reduce the Yosemite Conference's carbon footprint—making this our greenest event yet! Our progress includes offsetting emissions through a partnership with Carbonfund.org, serving organic and locally grown food at our receptions and dinners, using Conference merchandise made from natural or recycled products, and conserving natural resources whenever possible. In fact, The Tenaya Lodge, our headquarter hotel, is a model "green" hotel. The Tenaya is a member of the Delaware North Parks and Resorts family, which created GreenPath®, a comprehensive environmental preservation plan that is woven into everything the hotel does—from eco-standards in operating the hotel to supporting environmental organizations and employee volunteerism. A progress report on our efforts will be posted at the Conference. Before then, we invite you to partner with us for an even "greener" event. One way to do this is to rideshare or join a carpool to Fish Camp. (You can use the Section Member "Bulletin Board" at www.calbar.ca.gov/enviro for this purpose.)

Conference Merchandise

Conference attendees will receive complimentary tote bags, sponsored by **Cox, Castle & Nicholson LLP**, and personal water bottles sponsored by **Paul, Hastings, Janofsky & Walker LLP**. The Environmental Law Section thanks these sponsors for their generous contribution, and for "keeping it green."

Conference Scholarships

The Environmental Law Section of the State Bar of California is pleased to offer five (5) *Michael H. Remy Scholarships*, which include tuition, transportation, room and board, AND from 25 to 40 tuition scholarships, including stipends of \$150 to \$200 to the most deserving scholarship recipients, this year. SEE page 12 for more information and the application form.

MCLE

The State Bar of California and The Environmental Law Section are State Bar of California Approved MCLE Providers.

Bonus MCLE Self-Study Credit

Conference registrants will receive two extra hours of MCLE self-study credit with the audio CD programs *The Common Pitfalls of Legal Practice* (prevention/treatment of substance abuse) and *Bias and the Legal Profession* (elimination of bias). CDs are complimentary.

PROGRAM SCHEDULE

(Topics, speakers and schedules are subject to change.)

THURSDAY, OCTOBER 16

3:00 PM – 8:00 PM

Registration

5:00 PM – 7:00 PM

Environmental Law Section Executive Committee Meeting

6:00 PM – 8:00 PM

WELCOME RECEPTION (RSVP Requested)

Sponsored by Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates

FRIDAY, OCTOBER 17

7:30 AM – 8:00 AM

REGISTRATION

CONTINENTAL BREAKFAST (RSVP Requested)

Sponsored by Farella Braun & Martel LLP

8:00 AM – 9:00 AM

Session 1

FRIDAY PLENARY SESSION (1 HOUR MCLE CREDIT)

Welcome & Introductions by

Jodi Smith, 2007-8 Chair, Environmental Law Section Executive Committee, Paul, Hastings, Janofsky & Walker, LLP, San Francisco; and

Kristen T. Castaños, 2008-9 Chair, Environmental Law Section Executive Committee, Stoel Rives LLP, Sacramento.

Keynote Remarks by Ken Alex, Senior Assistant Attorney General, Office of the Attorney General



Ken Alex

Mr. Alex is the senior assistant attorney general heading the environment section of the California Attorney General's Office. He also is the head of the Office's global warming unit. He has handled cases under most federal and state environmental statutes, and has negotiated some of the country's largest environmental settlements. Mr. Alex represents California in the public nuisance actions filed against power and auto companies for emission of CO2 and for global warming. California Lawyer named Ken an "Attorney of the Year" in 2004 for his work in energy law, and he received the ABA award for Distinguished Achievement in Environmental Law and Policy in 2007 for global warming work. He has taught courses on environmental law and policy at Stanford, Hastings, and Golden Gate University. Mr. Alex is a graduate of Harvard Law School and holds a B.A. in political theory from the University of California at Santa Cruz.

9:15 AM – 10:45 AM

FRIDAY MORNING CONCURRENT SESSIONS A (# 2 - 5)

1.5 hours MCLE credit

Session 2

Cloned, Contaminated, or Genetically Modified: What's For Lunch?
What are we, as a society, really eating? How can we evaluate whether it is genetically modified, nano-engineered, or cloned? Even when we can, how do we know whether it is safe? This session will explore key concerns with food supply safety and addresses current and proposed laws and regulations which both protect the safety of our food supply and inform us of what we "really" are eating.

Moderator

Christine Bruhn, University of California, Davis, Davis

Panelists

Dr. Val Giddings, Biotechnology Industry Organization, Washington, D.C.

Kevin Zelig Golden, Center for Food Safety, San Francisco

Hon. Jared Huffman, California State Assembly, San Rafael

Session 3

Port Pollution and Transportation Issues

More Californians die every year from air pollution from the movement of goods into and from California's ports than die from homicides. Public interest groups such as NRDC are pioneering new approaches under RCRA, tidelands trust and common law theories to deal with this problem. In addition, emissions from oceangoing vessels are a major contributor to global warming. Given the expected tripling of throughput in the California ports in the next 15 to 20 years, these are issues that need to be addressed now.

Moderator

William Carter, Musick Peeler & Garrett LLP, Los Angeles

Panelists

David Pettit, Natural Resources Defense Council, Santa Monica

Thomas A.M. Russell, Port of Los Angeles, San Pedro

Erich P. Wise, Flynn, Delich & Wise LLP, Long Beach

Session 4

Walking the Talk: Green Business Activism in Today's Environment

So much has been written about what companies are, or should be, doing to "green their businesses." What about the companies not just trying to clean up their own acts, but make the world beyond their cubicles a better place? Hear from leader-activists within the legal and business communities who are reaching beyond their walls to encourage or influence the betterment and protection of our environment. Learn what attorney/lawmakers can do to address and further sustainability issues.

Moderator

Steve Frisch, Sierra Business Council, Truckee

Panelists

Peter Liu, New Resource Bank, San Francisco

Pedro J. Lopez-Baldrich, Patagonia, Ventura

Laurie Weir, CalPERS, Sacramento



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Session 5

Update on California Air Resources Board's AB 32 Greenhouse Gas Rulemaking
The state legislature passed the Global Warming Solutions Act of 2006 (AB 32), recognizing the serious threat to the "economic well-being, public health, natural resources, and the environment of California" resulting from global warming. On June 26, 2008, CARB staff presented the initial draft of the AB 32 Scoping Plan, which contains main strategies California will use to reduce the GHGs that cause climate change. This panel will discuss the Scoping Plan, and the implementation process and response to the Plan from environmentalists and industry representatives.

Moderator

Richard T. Drury, Lozeau Drury LLP, Alameda

Panelists

Gary Patton, Planning and Conservation League, Sacramento

Ellen Peter, California Air Resources Board, Sacramento

Rick Rothman, Bingham McCutchen, LLP, Los Angeles

11:00 AM – 12:30 PM

FRIDAY MORNING CONCURRENT SESSIONS B (# 6-9)

1.5 hours MCLE credit

Session 6

A View From the Bench: Judges' Perspectives on Environmental Law

Our panel of distinguished jurists will discuss the practice of environmental law from a judicial perspective. Topics will include what judges want and expect from attorneys litigating environmental cases, the special demands and expectations of environmental litigation from the judges' point of view, and the role of courts in adjudicating environmental disputes.

Moderator

Sean B. Hecht, UCLA School of Law, Los Angeles

Panelists

Hon. James Chalfant, Los Angeles Superior Court, Los Angeles

Hon. Florence-Marie Cooper, United States District Court, Western Division, Los Angeles

Hon. Ronald Robie, California Court of Appeal, Fifth Appellate District, Sacramento

Session 7

Cap and Trade and Environmental Justice: Can Markets Work for Both Consumers and Regulated Industry?

A key issue differentiating California climate policy debate from the national and international discussions is the significant role played by environmental justice concerns, most recently in the implementation of AB 32. Experience with previous attempts at emissions trading in California have led many environmental justice advocates to distrust market-based compliance mechanisms because of their potential to create pollution hot spots and disparate impacts on low-income consumers, and their alleged lack of environmental effectiveness. This panel sheds light on those concerns from the perspective of the California Air Resources Board, the environmental justice community, carbon market participants, and academia.

PROGRAM SCHEDULE

Moderator

Michael Wara, Stanford Law School and the Program on Energy and Sustainable Development, Stanford

Panelists

Aimee Barnes, EcoSecurities, Claremont

Adrienne Bloch, Communities for a Better Environment, Oakland

Alice Kaswan, University of San Francisco School of Law, San Francisco

Virgil Welch, Assistant to the Chair, California Air Resources Board, Sacramento

Session 8

Current Trends in Vapor Intrusion

Vapor intrusion is a high profile issue for environmental regulators and practitioners. Advising clients with vapor intrusion issues presents challenges to lawyers and technical consultants alike. No two sites are the same; therefore, a "one size fits all" approach will not be successful. Legal practitioners must work closely with both clients and technical consultants to identify potential pitfalls and negotiate them successfully. A panel of legal and technical experts will consider the challenges facing practitioners of both disciplines in dealing with vapor intrusion issues, including ASTM's recent Standard and the recently enacted AB 422.

Moderator

Tim Swickard, Dongell Lawrence Finney LLP, Sacramento

Panelists

Robert Ettinger, Geosyntec, Oakland

Dan Gallagher, C.H.G., Northern California Geological Services Unit, Sacramento

Todd McLary, Geosyntec, Oakland

Edward L. Strohbehn, Jr., Bingham McCutchen, San Francisco

Session 9

Battling the Impacts of Climate Change on Endangered Species

The future of many endangered species may be hanging in the balance due to precarious complications posed by climate change. Understanding how these species may be impacted by habitat changes due to changing climate will be one key to their protection. Understanding which existing legal tools can be used most effectively is critical to ensuring that protection is timely. Climate change science, biology and the law intersect in this interdisciplinary panel designed to explore what we know about climate change and can expect to see in the future, how climate change is impacting species, and how existing law can be used to correct our future course.

Moderator

Mark J. Ebbin, Ebbin, Moser & Skaggs, LLP, San Francisco

Panelists

Kassie R. Siegel, Center for Biological Diversity, Joshua Tree

Dr. Steve R. Beissenger, UC Berkeley Department of Environmental Science, Policy & Management, Berkeley (invited)

Additional panelist to be announced

1:00 PM – 5:00 PM

FRIDAY HIKES LED BY ENVIRONMENTAL LAW SECTION MEMBERS

Conference attendees and their guests may choose from a variety of hikes ranging from short, easy ones to strenuous treks that may continue into the early evening, and there will be some hikes suitable for children. Registration is on-site only, and all hikes have limited space. Visit the Executive Committee table in the registration foyer for hike descriptions and enrollment. *All participants on hikes will be asked to sign a liability release form.*

6:30 PM – 8:00 PM

FRIDAY FAMILY DINNER (Ticketed Event/Reservations Required)
An "October-Fest" Celebration with Music and Entertainment
Sponsored by Environmental Science Associates (ESA)
\$40 Adults and \$20 Children (10 and under)

9:00 PM – 11:00 PM

FRIDAY RECEPTION & ENTERTAINMENT (RSVP Requested)
Sponsored by Gresham Savage Nolan & Tilden

SATURDAY, OCTOBER 18

7:30 AM – 8:00 AM

REGISTRATION

CONTINENTAL BREAKFAST (RSVP Requested)
Sponsored by Barg Coffin Lewis & Trapp, LLP

8:00 AM – 9:00 AM

Session 10

SATURDAY PLENARY SESSION (1 HOUR MCLE CREDIT)

Welcome & Introductions by Richard T. Drury, Lozeau Drury LLP, Alameda

Keynote Remarks by Mary D. Nichols, Chair, California Resources Board



Mary D. Nichols

Ms. Nichols was appointed by Governor Arnold Schwarzenegger as Chair of the California Air Resources Board in July 2007. She has a long career as an environmental lawyer and policymaker. She is the former Secretary for California's Resources Agency. She spearheaded bond acts that raised more than \$10 billion for land and water programs. Ms. Nichols was previously Director of the UCLA Institute of the Environment, and Professor in Residence at the UCLA School of Law and School of Public Affairs. She was an attorney for the Center for Law in the Public Interest in Los Angeles, where she



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brought the first litigation under the then recently passed Clean Air Act; headed the Environment Now Foundation; and under the Clinton Administration served as the Assistant Administrator for Air and Radiation of the U.S. Environmental Protection Agency.

9:15 AM – 10:45 AM

Saturday Morning Concurrent Sessions A (#11-14)

1.5 hours MCLE credit

Session 11

Public Records, Public Secrets, and the Freedom of Information Act 101

This panel will provide an introduction and overview of the Freedom of Information Act (FOIA) for new attorneys, a discussion of the intersection between FOIA and the administrative records of cases, and how to use FOIA for informal discovery. The clash between public records and public data, with an emphasis in the area of global warming, a discussion of how to obtain records concerning a companies' green house gas emissions, cap and trade documents, and pollution documentation against claims of trade secrets also will be reviewed.

Moderator

James R. Wheaton, Environmental Law Foundation, Oakland

Panelists

Larry Gottesman, Office of Environmental Information, U.S. Environmental Protection Agency, Washington, D.C.

David Green, First Amendment Project, Oakland

Session 12

CEQA and Global Warming Issues: Still Many Questions, Few Answers

One of the most controversial issues continuing to arise under NEPA and CEQA is whether and how greenhouse gas emissions, and their related affect on climate change, should be factored into the environmental impact analysis conducted under those state and federal laws. While OPR is required to provide guidance by 2010, and the SCAQMD is attempting to assist by proposing its own significance thresholds, the legal requirements remain unclear, although the lawsuits continue to come. This presentation will survey the current regulatory and litigation landscape, providing a look at where we have been, and some insight into where we might be going.

Moderator

Michael S. Haberkorn, Gatzke Dillon & Ballance LLP, Carlsbad

Panelists

Janill L. Richards, Environment Section, California Department of Justice, Oakland

Jocelyn Niebur Thompson, Weston Benshoof Rochefort Rubalcava MacCuish LLP, Los Angeles

Matt Vespa, Center for Biological Diversity, San Francisco

Session 13

Sustainability Standards: Surveying Trends Involving Voluntary, Mandatory and Incentive Based Standards and Analyzing the Legal Framework and Relative Successes and Challenges of Various Standards

This session will focus on various forms of sustainability standards including LEED Building and LEED Neighborhoods, water conservation ordinances as reflected in the proposed Model Water Efficient Landscape Ordinance, sustainability standards in general and specific plans, state laws and regulations related to sustainable development, and other development standards and practices that minimize waste stream and carbon emissions resulting from development.

Moderator

Steven T. Mattas, Meyers Nave, San Francisco

Panelists

Geof Sypher, Coddling Enterprises, Rohnert Park

Stacey White, RRM Design Group, San Luis Obispo

Session 14

New Developments in Brownfields

While liability for contaminated sites may be recession-proof, the effect of the economic downturn on the redevelopment of such properties has been both significant and obvious. Fewer people are doing deals involving contaminated properties and the amount of litigation involving these properties is on the rise. This panel will discuss how to rework the Brownfields model for the present economy, including the changing structure of Brownfields deals, recent developments in cost recovery litigation, the identification and use of historic insurance assets, and the strategic application of alternate risk transfer mechanisms, including environmental insurance.

Moderator

Stuart I. Block, Cox, Castle & Nicholson LLP, San Francisco

Panelists

Mary B. Hashem, Brownfield Partners, LLC, Denver

Bret Stone, Paladin Law Group LLP, Santa Barbara

Additional panelist to be announced.

11:00 AM – 12:30 PM

SATURDAY MORNING CONCURRENT SESSIONS B (# 15-18)

1.5 hours MCLE credit

PROGRAM SCHEDULE

Session 15

Recycled Water – Wave of the Future

California's water supply is limited, and experts predict that demand will increase. Recycled water has been identified by the California Legislature and the Department of Water Resources as an important factor in meeting California's future water needs. Recycled water also may provide added benefits, such as providing a more reliable local source of water and secure water supply during droughts, as well as energy and cost savings by offsetting the need for energy-intensive imported water. However, concerns for salt content, and recent news reports of detections of pharmaceuticals, animal drugs and other chemicals in water supplies, as well as public perception, pose significant challenges to increased use of recycled water to recharge groundwater basins. Join this panel of experts as they explore the challenges and opportunities to recycle water to supplement water supplies.

Moderator

Eileen M. Nottoli, Allen Matkins Leck Gamble Mallory & Natsis LLP, San Francisco

Panelists

Roberta Larson, Somach, Simmons & Dunn, Sacramento

Michael A.M. Lauffer, State Water Resources Control Board, Sacramento

Mehul Patel, Orange County Water District, Fountain Valley

Jeffrey Stone, Recycled Water Unit, California Department of Public Health, Carpinteria

Session 16

Recent Environmental Law Developments in the U.S. Supreme Court, Ninth Circuit Court of Appeals, and California Supreme Court

Gives a summary and analysis of key cases decided over the past year by the Ninth Circuit Court of Appeals, and the U.S. Supreme and California Supreme Court. This perennial favorite will prompt a lively discussion of matters that affect the practice of environmental lawyers and policymakers.

Moderator

Richard M. Frank, University of California, Boalt School of Law, Berkeley

Panelists

Jody Freeman, Harvard Law School, Cambridge

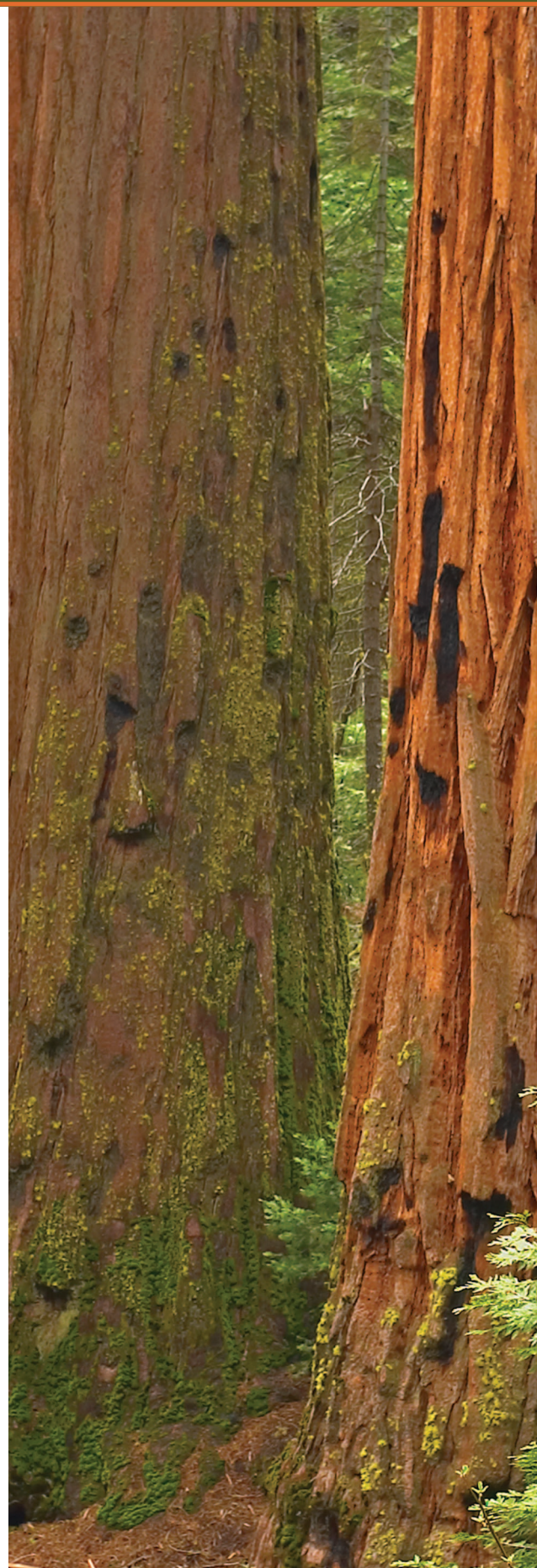
Sean B. Hecht, UCLA School of Law, Los Angeles

John D. Leshy, University of California, Hastings College of the Law, San Francisco

Session 17

Smelt-down: Endangered Species and Water Supply in Crisis

When Judge Wanger issued an opinion curtailing water deliveries from the state and federal water projects because of impacts on endangered fish species in the Sacramento-San Joaquin Delta, shock waves rolled across California. Species across the state are on the brink of collapse. Some of these species, such as salmon, steelhead and delta smelt, depend on water in rivers and streams for their survival — water that is also essential for agriculture and municipalities throughout the state. Global warming is adding additional pressures to the already fragile system by further reducing the limited water supply. Judge Wanger's opinion itself affects much of the state, but it also is emblematic of endangered species/water supply conflicts throughout California and the





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western United States. This panel will explore the dynamics of this critical situation and discuss options for the future for agriculture, municipalities, and the government agencies who operate the state and federal water projects.

Moderator

Gregory J. Newmark, Meyers Nave, Los Angeles

Panelists

Alf W. Brandt, Assembly Committee on Water, Parks & Wildlife, Sacramento

Brenda W. Davis, Central Valley Law Group LLP, Sacramento

Katherine S. Poole, Natural Resources Defense Council, San Francisco

Session 18

Key Developments in California Green Energy Policy

The renewable energy industry continues to expand in response to financial and legal exposure associated with the use of fossil fuels. To build these new facilities, the energy industry must overcome many challenges, such as new renewable energy mandates, transmission constraints, and changing markets for their products. This panel will examine the practical business opportunities, technical challenges and vexing legal problems to be dealt with by attorneys inside and outside the environmental bar. Attendees will learn how to capitalize on the opportunities these key issues may create.

Moderator

William W. Westerfield, Sacramento Municipal Utility District, Sacramento

Panelists

Christopher Ellison, Ellison, Schneider & Harris, Sacramento

Craig Moyer, Manatt, Phelps & Phillips, Los Angeles

John White, Center for Energy Efficiency & Renewable Technologies, Sacramento

1:00 PM – 5:00 PM

SATURDAY OUTDOOR PRESENTATIONS

(On-Site Registration Only; Space is Limited.)

Up to .5 hour MCLE credit may be available.

Join us outdoors for a series of programs set in the natural settings in or near *Yosemite National Park*. Presentation topics may explore the history, culture, geology, biology or natural resources management of the area. These presentations may require a short hike (up to 3 miles round trip), and some hikes may not be appropriate for children. Registration is on-site only, and all presentations have limited space. Visit the Executive Committee table in the registration foyer for program descriptions, sign-up sheets and other details. **All participants on hikes will be asked to sign a liability release form.**

6:00 PM – 7:00 PM

SATURDAY EVENING GATHERING (RSVP Requested)

Sponsored by Allen Matkins Leck Gamble Mallory & Natsis LLP, and Treadwell & Rollo, Inc.

Light refreshments and soft music set off the evening's networking reception.

7:00 PM – 9:00 PM

SATURDAY NIGHT DINNER PROGRAM

(Ticketed Event/Reservation Required)

Sponsored by Northgate Environmental Management, Inc. and Stoel Rives LLP

\$55 adults; \$35 children (ages 3-11)

Welcome & Introductions by Stuart I. Block, Cox, Castle & Nicholson LLP, San Francisco

Keynote Remarks by Richard Louv, Recipient of the 2008 Audubon Medal, and Author of the National Bestseller *Last Child in the Woods*



Richard Louv

Mr. Louv is an author and journalist focused on nature, family and community. His most recent book, *Last Child in the Woods: Saving Our Children From Nature-Deficit Disorder*, has stimulated an international conversation about the future relationship between children and nature. He is chairman of the Children & Nature Network, serves as honorary co-chair of The National Forum on Children and Nature, and is a Visiting Scholar at Clemson University. In 2008, he was awarded the Audubon Medal by the National Audubon Society.

Dinner attendees will receive a complimentary copy of Mr. Louv's book, *Last Child in the Woods*. Mr. Louv will conduct a book signing immediately before the dinner.

9:00 PM – 11:00 PM

SATURDAY DESSERT

RECEPTION & DANCE PARTY

(RSVP Requested)

Sponsored by AMEC Geomatrix, Inc. and Meyers Nave
Dance, dance, dance—join us at the annual dessert party (with a surprise theme) with dancing to the tunes spun by our Conference DJ.

SUNDAY, OCTOBER 19

7:30 AM – 8:00 AM

CONTINENTAL BREAKFAST (RSVP Requested)

PROGRAM SCHEDULE

8:00 AM – 9:00 AM

Session 19

SUNDAY PLENARY SESSION (1 HOUR MCLE CREDIT)

Welcome & Introductions by Elizabeth A. Lake, Holland & Knight LLP, San Francisco

Keynote Remarks by Ruth Coleman, Director, California State Parks



Ruth Coleman

Ms. Coleman has served as director of the Department of Parks and Recreation since 2003. She previously served as chief deputy director and deputy director for legislation from 1999 to 2002. Ms. Coleman was policy director for Assemblywoman Helen Thomson from 1998 to 1999 and legislative director for Senator Mike Thompson from 1996 to 1998. She also served as a senior consultant to the Senate Committee on River Protection and Restoration and the Senate Natural Resources and Wildlife Committee between 1993 and 1995. Ms. Coleman was an air pollution research specialist at the Air Resources Board from 1991 to 1993 and a fiscal and policy analyst at the Office of the Legislative Analyst from 1988 to 1991. Ms. Coleman holds a Master in Public Administration from Harvard University, and a B.A. in Economics from Occidental College.

9:15 AM – 10:45 AM

SUNDAY MORNING CONCURRENT SESSIONS A (# 20 -23)

1.5 hours MCLE credit

Session 20

In the Wake of the Cosco Busan: New Initiatives and Regulations to Prevent Oil Spills on the California Coast

On November 7, 2007, the Cosco Busan collided with the Bay Bridge and spilled roughly 58,000 gallons of heavy fuel oil into the San Francisco Bay. The response to the spill was widely criticized as sluggish and disorganized. What changes are being considered to improve the response of key agencies to future oil spills along the California coast? Perhaps more importantly, what steps are being taken to prevent oil spills like this from happening in the future? Panelists will discuss what is being done, and what should be done.

Moderator

Jon Welner, Paul, Hastings, Janofsky & Walker LLP, San Francisco

Panelists

Steve Edinger, Law Enforcement, California Department of Fish and Game, Sacramento

Ross L. Sargent, United States Coast Guard, Alameda

Linda Sheehan, California Coastkeeper Alliance, Fremont

Joseph A. Walsh, II, Keesal, Young & Logan, PC, Long Beach

Session 21

How AB 32 will Affect Development and Public Transit in California

The greenhouse gas reduction targets set by AB 32 mean substantial changes are in store for California. With more than 40% of California's greenhouse gas emissions coming from the transportation sector and vehicle miles traveled by residents, addressing these emission sources will be critical to ensuring that the state complies with AB 32 targets. Panelists will discuss ways in which California may try to limit and reduce VMTs over the coming years, with a focus on land use and transportation policies.

Moderator

Ethan N. Elkind, UCLA School of Law, Los Angeles

Panelists

Bill Higgins, League of California Cities, Sacramento

Ann Notthoff, Natural Resources Defense Council, San Francisco

Dan Rosenfeld, Urban Partners, LLC, Los Angeles

Session 22

The Environmental Impacts of Developing Renewable Energy: Goals, Benefits and Trade-offs

Promoting renewable energy is an important platform of California's climate policy as well as an express requirement of SB1078, which calls for utilities to purchase 20% of their energy from renewable sources by 2010. Wind, geothermal, and solar energy, as well as the development of bio-fuels are critical to helping California meet its energy demands and reduce greenhouse gas emissions. But sources of renewable energy have their own environmental impacts, requiring careful planning and mitigation. For instance, wind farms have been associated with avian mortality; geothermal production can induce seismicity and degrade groundwater quality; solar cells have hazardous materials and growing feed stocks for bio-fuels has been associated with deforestation. This panel will discuss balancing the benefits of renewable energy development with the environmental burdens and discuss the renewable energy industry's efforts to minimizing its own environment footprint.

Moderator

Anne E. Mudge, Cox, Castle & Nicholson LLP, San Francisco

Panelists

Kevin Martin, Acciona Energy North America, Solano Beach

Kurt Seel, Calpine Corporation, Middleton

Mark Tholke, enXco, Inc., Half Moon Bay

Session 23

CEQA Update 2008

This panel will provide an expert view on important updates to CEQA and a summary and analysis of the impact of each CEQA case decided since last year's Conference.



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Moderator

Greg Gatto, Stael Rives, LLP, Tahoe City

Panelists

Whitman Manley, Remy, Thomas, Moose & Manley, Sacramento

Donald B. Mooney, Law Offices of Donald B. Mooney, Davis

Margaret Sohagi, The Sohagi Law Group, Los Angeles

11:00 AM – 12:30 AM

SUNDAY MORNING CONCURRENT SESSIONS B (# 24 -27)

1.5 hours MCLE Credit

Session 24

Green Chemistry: Revolutionizing our Future for a Better World
California faces an unparalleled opportunity to lead the nation in creating safer substitutes to the toxic chemicals currently used in many products and, at the same time, protect the environment and promote economic development. Cal/EPA and the Department of Toxic Substances Control have embarked in an extensive two-year-long investigation of the possibilities and challenges through the Green Chemistry Initiative. Green Chemistry involves reducing the use of toxic substances to minimize harm to the public or environment contamination by designing and manufacturing products with little or no hazardous substances. Meanwhile, the legislature also have been working on a Green Chemistry Program. This panel will discuss the administrative and legislative progress made under the Green Chemistry Initiative and explore the how, where, when and why of product substitution and reformulation from regulatory, scientific and industrial perspectives.

Moderator

Jodi Smith, Paul, Hastings, Janofsky & Walker LLP, San Francisco

Panelists

Thomas R. Jacob, DuPont Government Affairs, Sacramento

Timothy Malloy, UCLA School of Law, Los Angeles

Claudia Polsky, Department of Toxic Substances Control, Berkeley

Session 25

California Indians and Environmental Issues and Law

An overview of the relationship between California's first people and the land, past and present, and discussions of environmental issues impacting tribes and tribal lands, with a special focus on state and federal laws protecting cultural and sacred sites, including SB18, and the California Native American Graves Protection and Repatriation Act.

Moderator

Antonette B. Cordero, Office of the Attorney General, Los Angeles

Panelists

Anthony C. Brochini, Southern Sierra Miwuk Nation, Mariposa

Angela Mooney D'Arcy, United Coalition to Protect Panhe, Venice

Laura Yvonne Miranda, Pechanga Office of the General Counsel, Temecula

Stephen V. Quesenberry, Karshmer & Associates, Berkeley

Session 26

Rapanos Rides West: Clean Water Act Jurisdiction and the Show-down at the River

Two years have passed since the Supreme Court issued its decision in *Rapanos v. United States*, which addressed Clean Water Act wetlands jurisdiction. Now that the dust has settled a bit and the lower courts have had a chance to interpret this decision, are we any closer to having a clear picture of what is regulated under the Act? This panel will give an overview of the current state of the law, and discuss how Rapanos has affected Clean Water Act regulation, permitting, compliance, and enforcement in California. We will focus on the fight over the Los Angeles River and other controversies regarding the status of California's waterways.

Moderator

Erica Martin, Los Angeles

Panelists

David J. Castanon, U.S. Army Corps of Engineers, Los Angeles

Michael R. Lozeau, Lozeau Drury, LLP, Alameda

Silvia Quast, United States Attorney's Office, Sacramento

Session 27

Wildfires and Clearing Defensible Space

Each year, California is struck by wildfires that seem to be both more numerous and greater in size. How much does prevention and fire-fighting cost? Who really pays? Do "fire-safe" building codes encourage development in areas where protection is more problematic? Can fire safe programs counter the dangers posed by expanding urban development? What are the environmental and economic impacts of post fire cleanup and reconstruction. This panel will explore these issues and more.

Moderator

Pete Pumphrey, Bishop

Panelists

Autumn Bernstein, Bishop

Kate Dargan, California State Fire Marshal, Sacramento

Chris Gonaver, Environmental Services Department, City of San Diego

Conference Adjourns

Hotel Reservation Form

October 16-19, 2008, Tenaya Lodge at Yosemite

2008 ENVIRONMENTAL LAW CONFERENCE AT YOSEMITE®

HOTEL RESERVATION DEADLINE

SEPTEMBER 8, 2008

HOTEL RESERVATIONS PROCEDURE: Please confirm early as rooms may sell out.

1. To make your hotel reservation please complete the registration form below and return with one night's deposit (check or credit card) via Mail to Tenaya Lodge, P.O. Box 159, Fish Camp, CA 93623 or Fax Attn: Candi - 559-683-0249. **(Telephone reservations will not be accepted.)**
2. Deposits: Each room reservation must be prepaid by a credit card or check in the amount of the first night's room and tax. The room rate will be \$179.00 plus 11% occupancy tax per night. Deposit will be required at time of booking.
3. Check-in time is 3:00 pm and check-out time is 11:00 am.
4. Cancellation Policy: Reservations must be cancelled 7 days prior to arrival to receive a full refund. Cancellation within the 7-day period will result in forfeiture of your deposit.
5. All reductions to a guest's stay must be received 48 hours or more prior to arrival. If a reduction is made within 48 hours of arrival, the guest will be required to pay for the original length of stay.
6. "No shows" will be charged the contracted nightly rate for each night the reserved room is not occupied by the individual, up to and including the entire length of stay.
7. Early departures and/or late arrival will be charged the contracted nightly rate for each night the reserved room is not occupied by the individual, up to and including the entire length of stay.

Complete the information on this form and send to the Tenaya Lodge by fax or mail. Online reservations accepted. Telephone Reservations Not Accepted. **DO NOT MAIL THIS FORM TO THE STATE BAR.**

GUEST INFORMATION:

Name: _____

Sharing With: _____

Number of Persons in Room: _____ Date of Arrival: _____
(To avoid duplicate reservations, if sharing a room only one should complete form)

Date of Departure: _____

Firm/Organization: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

TYPE OF ACCOMMODATIONS:

(i.e. King, Double, etc. All are on request only)

SPECIAL NEEDS:

(i.e. wheelchair accessible—outdoor access for smoking)

DEPOSIT:

I authorize the Tenaya Lodge to use my credit card for my hotel reservation.

☐ American Express ☐ Diners Club ☐ Discover ☐ MasterCard ☐ VISA

Account Number: _____

Expiration Date: _____

Cardholder's Name: _____

Cardholder's Signature: _____

If you have not received a confirmation letter within 2 weeks, please call Tenaya Lodge at 559-683-6555.



To book online go to
www.tenayalodge.com
and enter the

Group Code: 3089M7

FOR ONLINE RESERVATIONS ONLY



ALTERNATE ACCOMMODATIONS NEAR THE CONFERENCE LOCATION

The Environmental Law Conference at Yosemite will be held at the Tenaya Lodge, located in the town of Fish Camp, two miles outside the southern entrance to Yosemite National Park. Although it will be more convenient to stay at the host facility, some attendees may choose to stay elsewhere. Following is a list of alternative accommodations located near the entrance. Keep in mind that Bass Lake and Oakhurst are approximately fourteen miles away.

Fish Camp

Apple Tree Inn (559) 683-5111
Karen's Bed & Breakfast (559) 683-4550
Narrow Gauge Inn..... (559) 683-7720

Bass Lake

Pines Resort and Chalets..... (559) 642-3121

Oakhurst

Oakhurst Lodge (559) 683-4417
Shilo Inn (559) 683-3555
Yosemite Gateway,
Best Western (559) 683-2378

Yosemite National Park

National Park Camping Reservations.... (800) 436-7275
The Redwoods Cottages (209) 375-6666
Wawona Lodge..... (559) 252-4848
Yosemite West Condominiums..... (800) 640-9099



THE STATE BAR OF CALIFORNIA ENVIRONMENTAL LAW SECTION

Registration Information

CONFERENCE REGISTRATION – deadline October 8, 2008

The Environmental Law Conference at Yosemite® is a popular event that sells out in advance. Conference Registration Fees are \$495 for Section Members, \$395 for Section members employed by Governmental or Non-Profit agencies, and \$570 for Non-Section Members. The fee includes educational programs, materials, continental breakfast and evening receptions. Registration is limited to 425 persons and will be on a first-come first-serve basis. Return the Program Registration Form and Course Selector as soon as possible, but not later than October 8, 2008 to PROGRAM REGISTRATIONS, THE STATE BAR OF CALIFORNIA, 180 HOWARD STREET, SAN FRANCISCO, CA 94105-1639; FAX: (415) 538-2368.

GUESTS

Non-attorney spouse or guest is complimentary. Spouses and guests who are attorneys must complete a separate registration form and pay the appropriate fee.

CANCELLATIONS – deadline October 8, 2008

A refund (less a non-refundable fee of \$50) will be made for all registration and ticket cancellations received in writing by October 8, 2008. Refunds will not be made for cancellations after October 8, 2008.

SPECIAL ASSISTANCE

If you require special assistance, please call (415) 538-2585.

PROGRAM CONTENT INFORMATION

For program content information, please call the Environmental Law Section at (415) 538-2582.

REGISTRATION INFORMATION

For registration information, please call Program Registrations at (415) 538-2508.

HOTEL RESERVATIONS – deadline September 8, 2008

Each registrant is responsible for his or her own hotel reservations. A limited number of rooms have been reserved at the Tenaya Lodge at Yosemite at the rate of \$179 single/double occupancy per night plus 11% tax. For reservations, please complete the hotel form on the following page. Reservations are made directly with the hotel by mail, fax or online. **Telephone reservations are not accepted.**

KIDS KAMP

The Tenaya Lodge at Yosemite is pleased to again offer Kids Kamp. Activities include arts and crafts, games, and outdoor play under the supervision of qualified counselors. **Reservations required 72 hours in advance.** Contact the Guest Experience Center at (800) 635-5807 to make reservations. Be sure to alert staff to special medications or dietary needs.

Kids Kamp is available on Friday, Saturday and Sunday, from 8:00 PM to 1:30 PM. Children's Party and Activities via Kids Kamp will be held Saturday from 6:00 PM to 10:00 PM.

CHILD CARE SERVICES

Babysitting must be reserved 72 hours in advance by calling the concierge at the Tenaya Lodge at (800) 635-5807.

Scholarship Information

The Environmental Law Section of the State Bar of California is pleased to offer the Michael H. Remy Scholarship.



Michael H. Remy
1944-2003

In his nearly thirty years of private practice, Mr. Remy represented a wide variety of public and private clients as well as nonprofit organizations. Mr. Remy assisted large corporations and small entrepreneurs alike in various permitting and environmental matters throughout the state. Many counties, cities, and special districts relied on Mr. Remy's counsel in the processing, environmental review, and litigation of large and small projects. Some of his most notable environmental accomplishments were: heading the successful political and legal efforts to shut down the Rancho Seco Nuclear Power Plant; and representing the Sierra Club

and William Hewlett against the conversion of Shirley Canyon to a commercial ski run by the Squaw Valley Ski Corporation. In 1990, the Environmental Council of Sacramento named Mr. Remy "Environmentalist of the Year." Mr. Remy was widely admired and loved by his colleagues, friends and family, who regarded him as a man of extraordinary intelligence, personal integrity, kindness, and generosity. Mr. Remy's warm presence will be [is] sorely missed by everyone at Remy, Thomas, Moose and Manley, LLP, but even in his absence, his memory will continue [continues] to provide guidance and inspiration.

This scholarship, sponsored by Remy, Thomas, Moose & Manley, LLP in memory of former Environmental Law Section member and advisor, Michael H. Remy,

includes Tuition, Travel, Room and reasonable Board for the 2008 Environmental Law Conference at Yosemite®. There are up to five (5) scholarships of this type available, which is designed primarily, though not exclusively, for law students.

Environmental Law Section Scholarships

The Environmental Law Section plans to offer from 25 to 40 tuition scholarships to attend the 2008 Environmental Law Conference at Yosemite®. *NEW* The Executive Committee of the Environmental Law Section has authorized stipends of approximately \$150 to \$200 to be awarded to the most deserving scholarship recipients to offset the costs of attending the Conference.

Scholarship Criteria

The Scholarship Committee will review all applications received by the deadline of August 28, 2008. Scholarships will be awarded based on the following considerations: Financial Need; Environmental Law Interest (for Students); Environmental Law Practice (for Practitioners and other Environmental law professionals); and Environmental Law Section Membership & Support (for Practitioners and other Environmental Law professionals).

To apply for a scholarship, complete the Scholarship Application and the Program Registration forms and return with a resume. In order for your application to be considered, it must be received by the State Bar not later than 5:00 p.m. on **August 28, 2008** at Program Registrations, State Bar of California, 180 Howard Street, San Francisco, CA 94105. For additional information contact Carol Zlongst, Meeting & Event Administrator, (415) 538-2585 or by email Carol.Zlongst@calbar.ca.gov.

Scholarship Application Form



THE STATE BAR OF CALIFORNIA
ENVIRONMENTAL LAW SECTION

2008 Environmental Law Conference at Yosemite®

Return the completed the Scholarship Application and the Program Registration forms and with a resume. Your information must be received by 5:00 p.m. on **Friday, August 28, 2008** to Program Registrations, State Bar of California, 180 Howard Street, San Francisco, CA 94105. Fax: (415) 538-2368. For additional information, please contact Carol Zlongst, Meeting & Event Administrator at (415) 538-2585, or by e-mail at Carol.Zlongst@calbar.ca.gov.

Applicant Name: _____

Applicant Address: _____

Applicant Phone Number: _____ Applicant Fax Number: _____

Applicant E-mail Address: _____

Are you a member of the Environmental Law Section? ____ YES ____ NO

Are you an: ____ Attorney

____ Student

____ Other: _____
(indicate)

Explain your interest/practice in environmental law: (Please attach a resume and state years of practice in environmental law.)

Explain financial need: (Please state gross monthly income and other factors relevant to financial need.)

List CLE courses attended in the past three years:

Provide other information you would like the Scholarship Committee to take into account in reviewing your application. (Attach a separate sheet if more space is needed) _____

Have you previously received a scholarship from the Environmental Law Section of the State Bar of California?

____ YES ____ NO

What portion of your expenses will your employer pay? _____

Registration Form



THE STATE BAR OF CALIFORNIA
ENVIRONMENTAL LAW SECTION

2008 Environmental Law Conference at Yosemite®

Pre-Registration Deadline: October 8, 2008

3 Ways to Register!

(Please keep a copy of your forms)

- 1. Online:** Register online at www.calbar.org/enviro
- 2. Fax:** Complete the registration and course selector forms and fax to: Program Registrations at (415) 538-2368. Credit card payments only. Do Not Mail Original Form if Faxing.
- 3. Mail:** Complete the registration and course selector forms and mail to Program Registrations, The State Bar of California, 180 Howard Street, San Francisco, CA 94105

Note: One registrant per form. Photocopies may be used.

Bar Number: _____

First/Last Name: _____

Firm: _____

Firm Address: _____

City, State: _____ Zip: _____

Phone Number: _____ Fax Number: _____

E-mail Address:* _____

*Required for email confirmation

☐ Check here if you do not want your information released.

Non-Attorney Spouse/Guest(s) Name: _____

Name: _____

REGISTRATION FEES:

- | | |
|--|-------|
| <input type="checkbox"/> Environmental Law Section Members | \$495 |
| <input type="checkbox"/> Environmental Law Section Members employed by Government or Non-Profit Agencies | \$395 |
| <input type="checkbox"/> Non Environmental Law Section Members* | \$570 |
- (* \$75 of the non-member registration fee will be credited to 2009 Section membership dues.)

TICKETED EVENTS:

Thursday, October 16, 2008

- | | |
|---|------------------------|
| <input type="checkbox"/> #28 Welcome Reception (Adults) | # Attending _____ FREE |
|---|------------------------|

Friday, October 17, 2008

- | | |
|--|---------------------------|
| <input type="checkbox"/> #29 Continental Breakfast | # Attending _____ FREE |
| <input type="checkbox"/> #30 Family Dinner (Adults) | _____ @ \$40 each = _____ |
| <input type="checkbox"/> #31 Family Dinner (Children 3-11) | _____ @ \$20 each = _____ |
| <input type="checkbox"/> #32 Evening Reception | # Attending _____ FREE |

Saturday, October 18, 2008

- | | |
|--|---------------------------|
| <input type="checkbox"/> #33 Continental Breakfast | # Attending _____ FREE |
| <input type="checkbox"/> #34 Evening Reception | # Attending _____ FREE |
| <input type="checkbox"/> #35 Banquet (Adults) | _____ @ \$55 each = _____ |

Please Select Entree Choice:

- ☐ a. Meat ☐ b. Fish ☐ c. Vegetarian

- | | |
|--|---------------------------|
| <input type="checkbox"/> #36 Banquet (Children 3-11) | _____ @ \$35 each = _____ |
|--|---------------------------|

Please Select Entree Choice:

- ☐ a. Meat ☐ b. Fish ☐ c. Vegetarian

- | | |
|--|------------------------|
| <input type="checkbox"/> #37 Dessert Reception | # Attending _____ FREE |
|--|------------------------|

Sunday, October 19, 2008

- | | |
|--|------------------------|
| <input type="checkbox"/> #38 Continental Breakfast | # Attending _____ FREE |
|--|------------------------|

COMMEMORATIVE T-SHIRTS

(Made from organic cotton. Available while supply lasts.)

Select from these Adult sizes

- | | |
|---------------------------------------|-------------------|
| <input type="checkbox"/> #39 Medium | _____ @ \$15 each |
| <input type="checkbox"/> #40 Large | _____ @ \$15 each |
| <input type="checkbox"/> #41 X-Large | _____ @ \$15 each |
| <input type="checkbox"/> #42 XX-Large | _____ @ \$15 each |

Registration Total

= _____

Ticketed Events/T-Shirts Total

= _____

TOTAL AMOUNT ENCLOSED

OR TO BE CHARGED

\$ _____

PAYMENT METHOD:

Registration fees may be paid by check, VISA or MasterCard. No other credit cards will be accepted. Make checks payable to the State Bar of California.

- ☐ VISA ☐ MasterCard

Account Number: _____

Expiration Date: _____

Cardholder's Name: _____

Cardholder's Signature: _____

For Registration Information
Call (415) 538-2508

Course Selector



THE STATE BAR OF CALIFORNIA
ENVIRONMENTAL LAW SECTION

2008 Environmental Law Conference at Yosemite®

Return this form with your Program Registration.
Keep a copy for your records.

Your Name: _____

Your Bar No: _____

Listed below are the CLE sessions for the 2008 Conference. Sign-up in advance to ensure a seat. Use the conference registration form for your tickets to evening events.

FRIDAY OCTOBER 17

8:00 AM-9:00 AM

Friday General Session

- ☐ Session 1 Friday Morning Plenary Session

9:15 AM-10:45 AM

Friday Morning Concurrent Sessions A

- ☐ Session 2 Cloned, Contaminated, or Genetically Modified: What's For Lunch?
- ☐ Session 3 Port Pollution and Transportation Issues
- ☐ Session 4 Walking the Talk: Green Business Activism in Today's Environment
- ☐ Session 5 Update on California Air Resources Board's AB 32 Greenhouse Gas Rulemaking

11:00 AM-12:30 PM

Friday Morning Concurrent Sessions B

- ☐ Session 6 A View From the Bench: Judges' Perspectives on Environmental Law
- ☐ Session 7 Cap and Trade and Environmental Justice: Can Markets Work for Both Consumers and Regulated Industry?
- ☐ Session 8 Current Trends in Vapor Intrusion
- ☐ Session 9 Battling the Impacts of Climate Change on Endangered Species

SATURDAY OCTOBER 18

8:00 AM-9:00 AM

Saturday General Session

- ☐ Session 10 Saturday Morning Plenary Session

9:15 AM-10:45 AM

Saturday Morning Concurrent Sessions A

- ☐ Session 11 Public Records, Public Secrets and the Freedom of Information Act 101

- ☐ Session 12 CEQA and Global Warming Issues: Still Many Questions, Few Answers
- ☐ Session 13 Sustainability Standards: Surveying Trends Involving Voluntary, Mandatory and Incentive Based Standards and Analyzing the Legal Framework and Relative Successes and Challenges of Various Standards
- ☐ Session 14 New Developments in Brownfield

11:00 AM-12:30 PM

Saturday Morning Concurrent Sessions B

- ☐ Session 15 Recycled Water – Wave of the Future
- ☐ Session 16 Recent Environmental Law Developments in the U.S. Supreme Court, Ninth Circuit Court of Appeals and California Supreme Court
- ☐ Session 17 Smelt-down: Endangered Species and Water Supply in Crisis
- ☐ Session 18 Key Developments in California Green Energy Policy

SUNDAY OCTOBER 19

8:00 AM-9:00 AM

Sunday General Session

- Session 19 Sunday Morning Plenary Session

9:15 AM-10:45 AM

Sunday Morning Concurrent Sessions A

- ☐ Session 20 In the Wake of the *Cosco Busan*: New Initiatives and Regulations to Prevent Oil Spills on the California Coast
- ☐ Session 21 How AB32 will Affect Development and Public Transit in California
- ☐ Session 22 The Environmental Impacts of Developing Renewable Energy: Goals, Benefits and Trade-offs
- ☐ Session 23 CEQA Update 2008

11:00 AM-12:30 PM

Sunday Morning Concurrent Sessions B

- ☐ Session 24 Green Chemistry: Revolutionizing our Future for a Better World
- ☐ Session 25 California Indians and Environmental Issues and Law
- ☐ Session 26 Rapanos Rides West: Clean Water Act Jurisdiction and the Showdown at the River
- ☐ Session 27 Wildfires and Clearing Defensible Space

State Bar Education Foundation
The Environmental Law Section
180 Howard Street
San Francisco CA 94105-1639

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THE STATE BAR OF CALIFORNIA ENVIRONMENTAL LAW SECTION

2008 Environmental Law Conference at Yosemite®



The Environmental Law Section of the State Bar of California thanks and acknowledges the generosity of the 2008 Conference Sponsors.

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